

Serial No. 10/572,378

U.S.C. 102(a), as used in the rejection of the present final Action.

Hayashi can be a prior art of 35 U.S.C. 102(e). However, according to 35 U.S.C. 103 (c)(1), subject matter developed by another person, which qualifies as a prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The present application and Hayashi have a common inventor, Ken Hayashi, and the present application and Hayashi were assigned or obligated to be assigned to Nifco Inc. at the time the inventions were made. Accordingly, 35 U.S.C. 103 (c)(1) should be applied to the present application, so that the present application can not be rejected under 35 U.S.C. 103(a) based on 35 U.S.C. 102(e) and Sugawara et al.


The present application is now in condition for allowance.

Reconsideration and allowance are earnestly solicited.

Three month extension of time is hereby requested. A credit card authorization form in the amount of \$1,110.00 is attached herewith for the three month extension of time.

Respectfully Submitted,

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